**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE S. SIRI JAGAN**

**THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929**

**WP(C).No. 12062 of 2005(J)**
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**PETITIONERS:**
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1. **C.J. MATHAI,**
   **CHELATHAZHATHU (VANCHICKAL) HOUSE,**
   **KIDANGOOR SOUTH P.O., KOTTAYAM DISTRICT.**

2. **M.V. RAJAPPAN, MARANATTU HOUSE,**
   **THANNEERMUKKOM P.O.**

   **BY ADV. SRI. K.G. ANIL BABU**

**RESPONDENTS:**
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1. **THE DISTRICT LABOUR OFFICER,**
   **KOTTAYAM.**

2. **SHRI. JOY JOSEPH, LICENSEE,**
   **TODDY SHOP NO.15, (CHANDAKKAVALA TODDY SHOP)**
   **KIDANGOOR SOUTH P.O., PIN - 686 583.**

3. **THE WELFARE FUND INSPECTOR,**
   **KERALA TODDY WORKERS WELFARE FUND BOARD,**
   **DISTRICT OFFICE, KOTTAYAM.**

   **BY ADV. SRI. C.S. MANU for R2.**
   **SRI. A. K. JOHN, SC FOR KTWWF BOARD**
   **SENIOR GOVERNMENT PLEADER SRI. BENJAMIN PAUL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C).No. 12062 of 2005(J)**

**A P P E N D I X**

**PETITIONER'S EXHIBITS:**

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|---|---|---|
| **EXT. P1** | **:** | **COPY OF THE IDENTITY CARD ISSUED TO THE PETITIONERS.** |
| **EXT. P2** | **:** | **COPY OF THE STATEMENT GIVEN BY THE EMPLOYEES UNION TO THE 2ND RESPONDENT FOR THE PERIOD 2003-04.** |
| **EXT. P3** | **:** | **COPY OF THE NOTICE DATED 11.01.2005 ISSUED BY THE 1ST RESPONDENT.** |
| **EXT. P4** | **:** | **COPY OF THE NOTICE DATED 28.02.2005 ISSUED BY THE 1ST RESPONDENT.** |
| **EXT. P5** | **:** | **COPY OF THE NOTICE DATED 21.03.2005 ISSUED BY THE IST RESPONDENT.** |

**// True Copy //**

**P.A. to Judge.**

**Acd**

**S. SIRI JAGAN, J.**

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**W.P.(C)NO. 12062 OF 2005**

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**DATED THIS THE 2nd DAY OF AUGUST, 2007**

**JUDGMENT**

The petitioners are toddy shop workers attached to the toddy shop No.15 of Kuravilangad range, of which the 2nd respondent is the licencee. Their complaint in this writ petition is that despite a complaint made to the 1st respondent regarding non-payment of arrears of salary and workers' welfare fund contributions, the 1st respondent is not taking any action. The petitioners, therefore, seek the following reliefs.

> " i) issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to pass final orders on the complaints evidenced by Exhibits P3 to P5 directing the 2nd respondent to pay the arrears of salary due to the petitioners for the year 2003-04 within a time limit and if he fails to pay the amount recover the same by revenue recovery steps and pay to the petitioners as expeditiously as possible at any rate within a time limit to be fixed by this Honourable Court;
>
> ii) issue a writ of mandamus or any other appropriate writ, order or direction directing the 3rd respondent to pass final determination orders under Section 8 of T.S.No.15 of Kuravilangad Excise Range and recover the balance as expeditiously as possible at any rate within

a time limit to be fixed by this Honourable Court"

2. The petitioners would submit that the arrears of salary would come to Rs.30,000/-. The learned counsel for the 2nd respondent, while disputing this, would submit that it would be only around Rs.25,000/-. To avoid any controversy and to give the dispute a quietus, I fix it as Rs.28,000/-. This shall be paid to the petitioners within one month from today. In respect of the welfare fund contributions, the 2nd respondents submits that there is some dispute regarding the quantum. It would be open to the 2nd respondent to take up the matter with the 3rd respondent, who shall pass orders in this regard within a period of one month from the date of receipt of representation from the 2nd respondent, which he shall file within one month from today. If the 2nd respondent does not file the representation as directed above the 3rd respondent shall initiate appropriate proceedings for recovery if there is default in payment of contributions as alleged by the petitioners.

The writ petition is disposed of as above.

**S. SIRI JAGAN, JUDGE**

Acd